

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4713-07
Bill No.: SCS for HS for HCS for HB 1962
Subject: Circuit Clerk; Courts
Type: Original
Date: May 6, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue*	(Unknown) to \$1,981,250	(Unknown) to \$1,847,025	(Unknown) to \$1,825,936
Crime Victims' Compensation	\$1,916,666	\$2,300,000	\$2,300,000
Criminal Records System	(\$54,885)	(\$63,420)	(\$65,007)
Conservation	(Unknown)	(Unknown)	(Unknown)
Road Fund	(Unknown)	(Unknown)	(Unknown)
State School Money**	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	(Unknown) to \$3,843,031	(Unknown) to \$4,083,605	(Unknown) to \$4,060,929

*FY 03: Income of \$600,000 to \$750,000; Savings of Unknown to \$1,900,000; Costs of (\$568,750 to Unknown); Transfer out of \$0 to (Unknown)

**Offsetting Savings and Loss of Unknown to \$1,900,000; offsetting transfer in and costs of \$0 to Unknown

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 18 pages.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri House of Representatives, Office of Administration – Commissioner’s Office, – Division of Personnel, – Administrative Hearing Commission, Department of Insurance, Department of Natural Resources, State Treasurer’s Office, Department of Mental Health, Department of Social Services, and the State Auditor’s Office** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services** assumed prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of Secretary of State (SOS)** assume this bill modifies various aspects of court administration. The Department of Revenue, State Treasurer, Department of Natural Resources, and Office of Administration may promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued could require as many as 68 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the code because cost statements, fiscal notes, and the like are not repeated in Code. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn.

Based on these costs, the SOS estimates the cost of the proposal to be \$4,082 in FY 03 and unknown in subsequent years.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

ASSUMPTION (continued)

Background Checks on Sex Offenders (§§43.540 and 589.410)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal allows the patrol to provide information on persons registered as sex offenders when a background check request is made pursuant to Section 43.540, RSMo.

The MHP's Criminal Records and Identification Division (CRID) provided approximately 1.2 million background checks in 2001. If half of the checks were for the purposes in Section 43.540, then 600,000 searches would be required to be put into the sex offender registry. The technology is not currently available to conduct a synchronized search of the two databases (criminal history record and Megan's Law offenders), but will be available in the near future.

The MHP's CRID would require a full-time Computer Information Tech Specialist I position (at \$41,556 per year) to design, develop, acquire training, maintain the application and hardware, ensure security, and monitor the network infrastructure. The MHP estimates the annual cost to the Criminal Records System Fund for the requested FTE, including fringe benefits, equipment and expense, to be \$54,885 in FY 03; \$63,420 in FY 04; and \$65,007 in FY 05.

Local Crime Reduction Funds (§§50.550 and 50.555)

Officials from the **Office of State Courts Administrator (CTS)** assume the legislation would authorize county commissions to create local crime reduction funds and authorize courts to require misdemeanor defendants to pay into the local funds amounts up to \$1,000 as part of a restorative justice program.

The proposal does not specify who would be responsible for receiving and accounting for what would in most cases be installment payments. Since the sheriff and prosecutor would be the beneficiaries of the fund, CTS assumes they would provide these services through local funds, and state-paid court clerks would not be required to do this. If this assumption is valid, there would be no appreciable state cost. However, if the court clerks are required to provide this service, there would be a state cost in direct proportion to the volume of transactions.

Traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the crime reduction fund, the potential volume could be in the hundreds of thousands of cases.

If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation, law enforcement training, and other earmarked funds.

ASSUMPTION (continued)

Oversight assumes that fiscal impact of Section 50.555 would depend upon several factors: 1) The County Commission would need to establish the Crime Reduction Fund, as allowed by this proposal; and 2) The amount of fiscal impact would depend on the number of cases the Court would suspend and require payment into the Crime Reduction Fund. Oversight assumes that to the extent there is a reduction in fines on the local level, schools would receive more money in state aid due to the school aid formula. Therefore, the loss of fine revenues would be subsidized by the State's General Revenue Fund.

State Waives Sovereign Immunity for Purposes of Workers' Compensation (§287.780)

In response to a previous version of this proposal, officials from the **Department of Conservation (MDC)** assume that the proposed legislation could have a fiscal impact on MDC funds because of the increased exposure to liability from lawsuits; however, the amount of impact to the Conservation Fund is unknown.

Officials from the **Office of Administration – Division of General Services (COA)** assume the proposed legislation subjects the State of Missouri, as an employer, through the waivers of sovereign immunity, to liability for the wrongful discharge or discrimination against an employee for exercising the employee's rights under workers' compensation.

County Commissions Pay Salaries of Deputy Circuit Clerks and Division Clerks (§§476.270 and 483.245)

Officials of the **Office of State Courts Administrator** stated that this proposal would authorize County Commissions to pay the salaries of Deputy Circuit Clerks and Division Clerks. Officials stated since the only result of this proposal would be to codify current practice, there would be no cost or savings to the Judiciary.

In response to a previous version of this proposal, officials from the **Department of Labor and Industrial Relations (DOL)** assume the provisions could have an effect, although it is believed to be primarily on CARO. By changing the deputy circuit clerks and division clerks in this one county to county employees, the county now has responsibility for the workers' compensation liability for these employees. CARO should save money, but it will impose an additional cost on the County affected. Also, it will be difficult to track who the employer is when only the one county is changed.

Costs of Court Transcripts (§§488.2250, 488.2253)

In response to a previous version of this proposal, officials from the **Office of Attorney General** assume the proposal increases the cost for transcripts of court proceedings by approximately 45% (ordinarily 3 copies are ordered – original, 50% increase; copy, 43% increase for 2 copies). This ASSUMPTION (continued)

would result in additional cost in pursuing appeals on behalf of the state. Because the number and length of transcripts to be requested is unknown, the cost of the proposal is unknown in each fiscal year.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would increase statutory fees paid to court reporters for preparation of transcripts, and increase the court costs paid by litigants for court reporter services.

Court reporters are statutory state employees who are paid fees in addition to their statutory salary. The per page rate for original civil transcripts would increase from \$1.50 to \$2.25, or a \$.75 increase (50%); and the rate for a page of copy would increase from \$.35 to \$.50, or an increase of \$.15 per page (43%). Indigent criminal transcripts would increase even more because the current copy rate is \$0.20, so the increase would be \$0.30 or 150%. These costs are paid by the State Public Defender. In a typical appeal, an original and three copies are prepared (one for each party, one for the trial court file, and one for the appellate court file) and, in some cases, more copies are required.

While most transcript costs are paid by private litigants, there are some costs borne by the judiciary, State Public Defender, and state agencies who are parties to appeals. The current expenditure for court reporter fees paid by the judiciary is approximately \$100,000. Under this proposal, those costs would increase considerably, depending on the mix of original pages and copies.

The statutory court cost charged litigants in cases where the record is preserved using a court reporter would increase by \$10, from \$15 to \$25. This is income to general revenue. Some of these costs will be borne by the state through the criminal costs bills paid by the Office of Administration. There were about 90,000 cases in FY 2001 to which the costs could apply. If fully collected, these costs would generate upwards of \$900,000 in new revenue. Indigent cases, acquittals, dismissals, etc. will reduce receipts considerably, but it would be safe to say the revenue would increase anywhere from \$600,000 to \$750,000.

The legislation also gives court reporters a COLA for transcripts based on the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. CTS is unable to predict what that increase or decrease might be, but do not expect it to be great.

Officials from the **Department of Labor and Industrial Relations (DOL)** assume they cannot determine the net fiscal gain to the Crime Victims' Compensation fund from the proposed changes, because the DOL has no means to determine the number of offenders who receive Missouri income tax refunds.

ASSUMPTION (continued)

In response to a similar proposal (HB 2014) officials from the **Office of State Public Defender**

(SPD) stated that in FY 1999, the Office of State Courts Administrator core transferred \$405,000 to the State Public Defender and the State Public Defender assumed the responsibility for paying court reporters for trial transcripts for indigent persons seeking an appeal or post conviction relief motion. The SPD's estimated expenditures for the current fiscal year (FY 2001) is \$8,750 per week or \$455,000.

Oversight assumes the proposal would increase the costs to the SPD by 150%. Therefore, Oversight assumes the SPD's cost to the General Revenue Fund would be \$568,750 for 10 months of FY 03; \$702,975 for FY 04; and \$724,064 for FY 05.

Court Ordered Fee (§488.5021)

Officials from the **Department of Revenue (DOR)** assume if the person who pays the penalty fee files bankruptcy, there are possible consequences if they include a criminal fee in their bankruptcy proceeding. This may not affect the DOR unless the fee is a Motor Vehicle Administrative fee like the one for DWI, etc.

Officials from the **Office of State Courts Administrator (CTS)** assume this section would allow a court to assess an additional \$20 fee for penalties, fines, and sanctions not paid in full within 30 days of imposition.

Depending on the rate of assessment and collection, CTS estimates the range of possible collections is from \$1 million to \$1.9 million. The first figure, \$1 million, is based upon a 20% to 25% collection on misdemeanor and felony cases, and 10% on traffic. The second figure, \$1.9 million, is based on a collection rate of 50% of felonies and 75% of misdemeanors, and is the less likely amount of the two estimates.

Oversight assumes a \$20 fee for penalties, fines, and sanctions not paid within 30 days of imposition would result in an increase in fine revenue to the municipalities, counties, and local school districts. Oversight assumes the increase in fine revenue resulting from this proposal to the local school districts will decrease the contribution by the state to the State School Money Fund (through the General Revenue Fund).

Sovereign Immunity in FMLA (§537.605)

In response to a previous version of this proposal, officials from the **Office of Attorney General (AGO)** assume the proposal would preclude the AGO from raising sovereign immunity as a defense in FMLA suits; however, AGO assumes state departments are operating under the assumption that they are covered by FMLA and that the proposal would not significantly increase the number of lawsuits filed. AGO assumes any cost could be absorbed within existing ASSUMPTION (continued)

resources.

State Consents to Suits Under the Americans with Disability Act in State Courts (§537.617)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would waive the state's sovereign immunity and permit suits against the state under the federal Americans with Disabilities Act. CTS assumes that suits would be filed in state court and there may be some increase in the number of cases filed. However, CTS has no way of estimating that increase at this time and do not anticipate that it would be substantial enough to require a budget increase in the courts.

Officials from the **Office of Administration – Division of General Services (COA)** assume the proposal subjects the State of Missouri, through the waiver of sovereign immunity, to liability claims for violation of the Family Medical Leave Act and the Americans with Disabilities Act. The proposed legislation appears to be in response to recent US Supreme Court rulings. COA has no history of such claims prior to the rulings and therefore cannot quantify a cost impact.

Oversight assumes that prior to the recent U.S. Supreme Court decision, cases could be filed in state court. Oversight assumes that this proposal allows such cases to be filed in state court. Based on these assumptions and the assumptions provided by the CTS, Oversight assumes the administrative impact of this proposal is \$0.

“Judicial Officers” to Include Family Court Commissioner, Drug Court Commissioners, and Juvenile Court Officers (§565.084)

In response to a previous version of this proposal, officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

Supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

ASSUMPTION (continued)

Change the Assessment of Fees in Certain Criminal Cases (§595.045)

Officials from the **Department of Labor and Industrial Relations (DOL)** assume the proposal impacts the proposal impacts the DOL's Crime Victims' Compensation Program by adding individuals pleading guilty to certain crimes to those already required to pay penalties into the Crime Victims' Compensation Fund, changing the statutory language exempting certain crimes from this penalty, and eliminating the requirement that circuit clerk courts maintain records pursuant to Chapter 595 RSMo.

Based on Office of State Courts Administrator data for FY 2001, the DOL believes that requiring individuals who plead guilty to pay crime victims' compensation penalties would add an additional \$2.3 million in annual revenue to the Crime Victims' Compensation Fund. The DOL believes the provision that eliminates the requirement that circuit clerks maintain records of criminal convictions and judgments will have a detrimental impact to the fund. The legislation eliminates the requirement that circuit court clerks maintain records of the number of criminal cases filed and the convictions obtained pursuant to Chapter 595, RSMo, and also eliminates the requirement that this data be subject to an audit by the Missouri State Auditor's Office. In the past, the DOL has used audit data to ensure that circuit courts are transferring the correct amount of revenue mandated by statute to the Crime Victims' Compensation Fund. Without this record-keeping requirement and accountability mechanism, the DOL believes that a substantial amount of revenue generated by circuit courts will go unreported and will not be deposited in the Crime Victims' Compensation Fund. Repeal of the audit language eliminates accountability for these funds.

In FY 2001, Missouri circuit, associate circuit, and appellate courts accepted 121,387 pleas of guilty in cases where the defendant would be required to pay a penalty into the Crime Victims' Compensation Fund. To determine the fiscal impact, the DOL's Division of Workers' Compensation used OSCA estimates that the anticipated collection rate of these penalties would be 80% in all cases except those involving juveniles, where the collection rate would be 50%.

The DOL then applied the appropriate penalty to determine the net gain to the fund for felony or misdemeanor offenses. For purposes of this fiscal note, the DOL assumed that in felony cases, all pleas of guilty would result in a reduction of the original criminal charge. Therefore, the DOL assumed either a class C or D felony, carrying with it a penalty of \$48 per conviction. Finally, the DOL has no method to determine the statutory noncompliance rate if circuit courts were not required to maintain conviction and case judgment data. As a consequence, the fiscal impact of the elimination of this section is not reflected in this analysis. The DOL estimates the revenue to the Crime Victims' Compensation Fund to be \$1,916,666 for 10 months of FY 03; \$2,300,000 in FY 04; and \$2,300,000 in FY 05.

ASSUMPTION (continued)

Setoff of Income Tax Refund for Failure to Pay Court Costs (Section 1)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume collections on delinquent fines would increase, thereby increasing the amount of fine money distributed to local school districts.

There is no state cost to the foundation formula associated with this bill. DESE does not know how much additional money might be collected by the DOR to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Consumer Service Contract (Section 3)

In response to a previous version of this proposal, officials from the **Department of Transportation (MoDOT)** assume the proposal defines “consumer service contract” as a “contract for the purchase of work, labor or services, including services furnished in connection with the sale, maintenance, lease, rent, or repair of goods or equipment.” Unlike most federal laws regulating consumer contracts, this definition contains no text that limits its application to only individual (real person) consumers. Thus the term “consumer” notwithstanding, this provision would only appear to apply to all business and industrial consumers for their household goods and equipment. As so construed and interpreted, this provision would have a minimal negative fiscal impact on MoDOT (Road Fund), the amount of which is impossible to estimate.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Income</u> – Courts (§488.2253) Increased court fees	\$600,000 to \$750,000	\$600,000 to \$750,000	\$600,000 to \$750,000
<u>Savings</u> – Decreased Transfers to State School Money Fund (§488.5021)	Unknown to \$1,900,000	Unknown to \$1,900,000	Unknown to \$1,900,000
<u>Costs</u> – Office of Attorney General Increased transcript costs (§488.2250)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Office of State Public Defender Increased transcript costs (§488.2250)	(\$568,750)	(\$702,975)	(\$724,064)
<u>Costs</u> – Department of Corrections Incarceration/Probation (§565.084)	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
<u>Transfer out</u> – to State School Moneys Fund (§50.555)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Unknown) to <u>\$1,981,250</u>	(Unknown) to <u>\$1,847,025</u>	(Unknown) to <u>\$1,825,936</u>
CRIME VICTIMS’ COMPENSATION FUND			
<u>Revenue</u> – Department of Labor and Industrial Relations (§595.045) Additional penalty payments	<u>\$1,916,666</u>	<u>\$2,300,000</u>	<u>\$2,300,000</u>
ESTIMATED NET EFFECT ON CRIME VICTIMS’ COMPENSATION FUND	<u>\$1,916,666</u>	<u>\$2,300,000</u>	<u>\$2,300,000</u>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
CRIMINAL RECORDS SYSTEM FUND			
<u>Costs – Missouri State Highway Patrol</u> (\$43.540)			
Personal Service (1 FTE)	(\$35,496)	(\$43,660)	(\$44,751)
Fringe Benefits	(\$15,533)	(\$19,106)	(\$19,583)
Equipment and Expense	<u>(\$3,856)</u>	<u>(\$654)</u>	<u>(\$673)</u>
<u>Total Costs – MHP</u>	(\$54,885)	(\$63,420)	(\$65,007)
ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND	<u>(\$54,885)</u>	<u>(\$63,420)</u>	<u>(\$65,007)</u>
CONSERVATION FUND			
<u>Costs – Department of Conservation</u> (\$287.780)			
Judgments from potential lawsuits	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON CONSERVATION FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ROAD FUND			
<u>Costs – Department of Transportation</u> Consumer Service Contract (Sec 3)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON ROAD FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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STATE SCHOOL MONEY FUND

<u>Savings</u> – Decreased Distributions to School Districts (§488.5021)	Unknown to \$1,900,000	Unknown to \$1,900,000	Unknown to \$1,900,000
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<u>Loss</u> – Decreased Transfers from General Revenue Fund (§488.5021)	(Unknown to \$1,900,000)	(Unknown to \$1,900,000)	(Unknown to \$1,900,000)
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<u>Transfer in</u> – from General Revenue Fund (§50.555)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
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<u>Costs</u> – transfer to local school districts (§50.555)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
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ESTIMATED NET EFFECT ON STATE SCHOOL MONEY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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SCHOOL DISTRICTS

<u>Increase in Revenue</u> – Additional \$20 fee for penalties, fines, and sanctions not paid within 30 days (§488.5021)	Unknown to \$1,900,000	Unknown to \$1,900,000	Unknown to \$1,900,000
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<u>Reduction in Replacement Revenue</u> – Decreased distributions from the State School Money Fund (§488.5021)	(Unknown to \$1,900,000)	(Unknown to \$1,900,000)	(Unknown to \$1,900,000)
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<u>Income</u> – to Certain School Districts* from State's School Aid Formula (§50.555)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
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<u>Loss</u> – to Certain School Districts* from reduction in fines (§50.555)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
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ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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***Fiscal impact would be dependent upon the County Commission establishing a Crime Reduction Fund and upon the number of cases that would be suspended without a fine.**

LOCAL GOVERNMENTS

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<u>Increase in Revenue</u> – to local Crime Reduction Fund (§50.555)	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

FISCAL IMPACT - Small Business

The proposal could have a fiscal impact on small businesses.

DESCRIPTION

The proposed legislation would change several provisions relating to court procedures and jurisdiction. In its major provisions, the proposal would:

1. Allow the Highway Patrol to receive requests for criminal history record information and payments for such requests by electronic means (§43.530);
2. Authorize the Highway Patrol to inform providers whether an applicant for employment is a registered offender under “Megan's Law” (§43.540);
3. Allow county commissions to create county crime reduction funds and specify the purposes for which the money in the funds can be spent (§§50.550 and 50.555);
4. Allow counties with combined offices of Circuit Clerk and Recorder of Deeds to separate the offices by voting to approve a system of appointed circuit clerks (§59.040 and 59.042);
5. Define “court” for purposes of income tax credits and refunds (§143.782);
6. Subject the state to lawsuits for discrimination resulting from an employee exercising his or her rights under workers' compensation law (§287.780);
7. Make the surety liable for all costs incurred by the state or county in returning a defendant, unless the jurisdiction in which the defendant is held will not release the defendant to the surety (§374.770);

DESCRIPTION (continued)

8. Allow the public administrator of certain counties to utilize computerized data management software to maintain financial records of estates and to prepare and file settlements of the accounts (§473.750);
9. Prohibit an interpreter or translator from being compelled to testify as to information that would otherwise be protected by attorney-client privilege. Interpreters or translators who serve in any criminal or juvenile proceeding would be allowed a reasonable fee approved by the court (§476.061);
10. Amend the process for filling vacancies of any unexpired term of the Executive Council of the Judicial Conference (§476.340);
11. Change the maximum age to be eligible to serve as municipal judge from 75 to 70 (§479.020);
12. Provide that venue in small claims cases will be determined pursuant to the general venue statute for cases instituted by summons, Section 508.010, RSMo. Under current law, venue in small claims cases lies in the county (a) where the defendant resides, or where the plaintiff resides and the defendant may be found; or (b) where the cause of action accrued (§482.330);
13. Establish procedures for appointing the Circuit Clerk of St. Louis City (§§483.015 & 483.083);
14. Allow County Commissions to vote to pay the salaries of Deputy Circuit Clerks and Division Clerks with county funds. Currently, the salaries of Deputy Circuit Clerks and Division Clerks must be paid by the state (§483.245);
15. Allows county clerks from collecting any surcharge authorized by ordinance, order, or resolution which provides an effective date for the surcharge on or after January 1, 1997, if the ordinance, order, or resolution is authorized by statute (§488.005);
16. Remove the \$1.00 fee for each additional summons issued in each associate circuit court case filed (§488.012);

DESCRIPTION (continued)

17. Increase court transcript fees from \$1.50 to \$2.25 per page for the original of the transcript and no more than three copies, and from \$.35 to \$.50 per page for copies. The proposal would also increase the fees paid to the for copies of notes of the evidence from \$1.50 to \$2.25 for the original and no more than three copies. These amounts would increase by a cost-of-living adjustment each year. In addition, the amount for evidence preservation paid to the Director or Revenue would increase from \$15.00 to \$25.00. (§488.2250, 488.2253);
18. Provide that the judgment collected in juvenile proceedings is payable to the Family Services and Justice Fund (§488.2300);
19. Allow a court to assess an additional \$20 fee for penalties, fines, and sanctions not paid in full within 30 days of imposition (§488.5021);
20. Add juvenile proceedings and domestic violence actions to the types of cases for which the state will pay for an interpreter or translator for a party or witness to the proceeding (§491.300);
21. Provide that certain jury lists will be disclosed only pursuant to local court rule (§494.410, 494.415, and 494.420);
22. Exclude Saturdays in the computation of any period of time prescribed by code, order of court, or any applicable statute (§506.060);
23. Judgments entered by associate courts would be liens on real estate without the filing of a transcript judgement. (Sections 511.350 and 517.151) The clerks, not just circuit clerks, could furnish and enter abstracts (Section 511.510);
24. Delete the requirement that a judgment in a judge-tried case in associate circuit court must be entered within 30 days of submission for decision (§517.111);
25. Remove the requirement that a transcript judgment be filed with the circuit clerk before a judgment entered by an associate division of the circuit court becomes a lien on real property (§517.151);
26. Subject the state to lawsuits for violations of the federal Family and Medical Leave Act (§537.605);

DESCRIPTION (continued)

27. Grant limited consent by the state to be sued under the Americans with Disabilities Act (ADA) in state courts, subject to monetary limits, which shall not include punitive damages (§537.617);
28. Require the circuit court clerk to determine on a monthly basis all costs that have accrued in criminal cases where a change of venue has been taken (§550.135 and 550.295);
29. Allow the court to order restorative justice methods in cases where there is a suspended imposition or execution of sentence and to order individuals who have a suspended imposition or execution of sentence for a misdemeanor to make a payment of up to \$1,000 to the county crime reduction fund (§558.019);
30. Allow the court to order a payment of up to \$1,000 to the county crime reduction fund as a condition of probation. A judge could only order such a condition of probation if the county crime reduction fund was established prior to sentencing. A defendant could refuse probation that includes payments to a county crime reduction fund as a condition, but probation could not be revoked solely for failure to make payments to the fund, except under certain circumstances (§559.021);
31. Expand the crime of tampering with a judicial officer to add family court commissioners, drug court commissioners, and juvenile court officers to the definition of “judicial officers” (§565.084);
32. Change the assessment of fees in certain criminal cases payable to the county or the state from time of conviction to the plea or finding of guilt (§595.045);
33. Allow the state courts administrator to seek a setoff of an income tax refund upon an individual’s failure to pay court costs, fines, fees, or other sums ordered by the court as payable to the state (Section 1);
34. Require the official conducting the court-issued warrant check to contact the issuing jurisdiction within 24 hours of the check. The issuing jurisdiction would be required to acknowledge notification within 24 hours and remove the prisoner within 48 hours of notification (Section 2);
35. Entitle attorneys elected to or employed by the general assembly during a regular legislative session to report fifteen credit hours of continuing legal education for the reporting year that includes the session (Section 3);

DESCRIPTION (continued)

36. Disallow any automatic renewal provision for a period longer than one year in a consumer service contract (Section 3); and
37. Remove duplicate language and sections.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

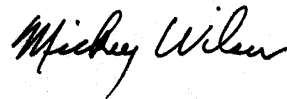
Missouri House of Representatives
Department of Elementary and Secondary Education
Office of Administration

- Commissioner's Office
- Administrative Hearing Commission
- Division of General Services
- Division of Personnel

State Auditor's Office
Department of Insurance
Office of State Courts Administrator
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Department of Mental Health
Department of Labor and Industrial Relations
Department of Public Safety

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Department of Social Services
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Department of Conservation
Office of Prosecution Services
Office of State Public Defender



Mickey Wilson, CPA
Acting Director

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